

**Decision Record and Finding of No Significant Impact**  
**Temsco Helicopters Inc.**  
**and**  
**Alaska Mountain Guides**

**I. Decision:**

Based on the analysis and evaluation of the environmental assessment, it is my decision to authorize a special recreation permit to Temsco Helicopters Inc. for a period of five years for commercial recreation operations on BLM administered land. Permittees may conduct helicopter assisted, commercially guided glacier landing tours only on the land depicted on the attached map, dated May 31, 2002. The operation period for Temsco is from May 1 through September 30. With exception for the Norse Glacier, operation hours will be between the hours of 8:00 a.m. and 7:30 p.m. After September 1, authorized operating hours on the Norse Glacier will be between 8:00 a.m. and 6:00 p.m. A seasonal non-helicopter use period from May 1 through June 15 will be applied to the Norse Glacier. Temsco is permitted for a total of 4,700 landings on the following glaciers:

<u>Glacier Landing Sites</u>	<u>Number of Landings</u>
Chilkat (3)	200
Ferebee (2)	1,100
West Creek	2,800
Norse	400
Grand Canyon	200

Based on the analysis and evaluation of the environmental assessment, it is also my decision to authorize a special recreation permit to Alaska Mountain Guides and Climbing School for a period of five years for commercial recreation operations on BLM administered lands. Permittees may conduct helicopter assisted, commercially guided mountaineering adventures only on the land depicted on the attached map, dated May 31, 2002. The operation period for AMG is from May 1 through September 30. Operation hours will be between the hours of 8:00 a.m. and 7:30 p.m. A seasonal non-use period from May 1 through June 15 will be applied to the Ferebee watershed west of the Harding Glacier and Harding Peak. The AMG permit for Harding Glacier use is restricted to 200 landings in 2002 to determine capability of the operation and the areas to support activity. In the event the use area can support such activity, additional landings may be granted as follows:

<u>Year</u>	<u>Harding Glacier Landings</u>
2003	300
2004	400
2005	500

This decision includes the mitigation measures adopted as stipulations in EA-AK-040-95-015 (Attachment 1) and the additional mitigation measures identified in this analysis and adopted as stipulations (Attachment 2). Standard stipulations for special recreation permits are attached to the Decision Record and the authorizing permit (Attachment 3).

**II. Rationale for the Decision:**

The attached map depicts flight route and landing site information important for the protection of goats in their late spring and summer habitats. Flight routes have been recommended to provide minimal impacts to all wildlife and potential recreation users. Adherence to flight route recommendations will help mitigate potential impacts to wildlife and use patterns for goats dispersing to and occupying kidding and high quality forage sites. This is also to the benefit of natal dens and neonatal habitat selection and use by bears and wolverine.

The analysis addresses the issues resulting from the Proposed Action. These commercial helicopter supported glacier landing tours and mountaineering adventures will help meet demand from the public for this type of service and potentially increase the economic base of Skagway and Haines. The limits placed on the operation in the form of stipulations and mitigation will minimize impacts to residents, recreationists and wildlife. The decision considers off-site effects (i.e., en route flights, noise) on residents, recreationists and wildlife.

The decision to allow the Proposed Action does not result in any known, undue or unnecessary environmental degradation.

**III. Finding of No Significant Impact:**

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

**IV. ANILCA Section 810 (A) Summary:**

The Proposed Action will not restrict subsistence uses. No reasonably foreseeable significant decrease in the abundance of harvestable resources and no limitation on harvester access to subsistence species will result from the Proposed Action. Because these lands are State selected, they no longer fall under the Federal Subsistence Board, Federal Subsistence Regulations or ANILCA Section 810.

**V. Adverse Energy Impact Compliance:**

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy

development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

**VI. Compliance and Monitoring:**

Monitoring will be conducted as part of the on-going monitoring already underway for the Temsco permit (EA-AK-040-95-015). As determination of buffers for helicopter use are made by professional biologists or if significant declines in mountain goat populations occur, adjustments in flight corridors, landing sites and areas of operations may be required.

/s/ Peter J. Ditton  
Anchorage Field Manager

July 11, 2002  
Date

**Attachments:**

- Attachment 1 - Stipulations Adopted for Helicopter Use from EA-AK-040-95-015
- Attachment 2 - Stipulations Adopted From Mitigation Measures AK-040-02-EA-022
- Attachment 3 - Standard Stipulations for all Special Recreation Permits
- Map - Summer Glacier Landing Sites and Flight Routes, dated May 31, 2002

## **Attachment 1**

### **Stipulations Adopted for Helicopter Use from EA-AK-040-95-015**

For all mitigation measures, it is recognized that exceptions may be made for all aircraft safety. Aircraft and passenger safety will take precedent over these mitigation measures.

1. All authorized operations will assure that operators meet FAA requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
2. All authorized operators will be required to submit and abide by a Safety and Operating Plan which will be approved by the BLM and will be a part of the Special Recreation Use Permit. The FAA may review these submissions.
3. All operations will maintain a 1,500 foot clearance of key mountain goat areas, mountain goats, sensitive bird nesting sites, brown and black bears, wolves, moose, sea lions, and other marine mammals. Steepness (degree in slope) and roughness (outcrops and spur ridges) affect the ratio of elevation to horizontal distance significantly. Attempts should be made to maximize distance between ground and habitats or animals wherever possible. Flight routes over near level terrain will maintain a minimum of 1,500 feet above ground level and at least 1,500 feet horizontal distance from wildlife habitat features described above. Pilots are not expected to compromise safety when weather conditions indicate the 1,500 foot minimum cannot be met.
4. Helicopter landing areas will maintain a minimum of one mile distance from observed mountain goat activity on rock islands. Flight paths should be altered to avoid flying over rock islands with observed goat activity.
5. All authorized operations will adhere to U.S. Fish and Wildlife Service (USF&WS) recommendations regarding eagle nests. Operators will be furnished with maps which show locations to be avoided during the nesting season.
  - a. Maintain established travel routes, but avoid any eagle nest by at least 3 mile (1,320 feet).
  - b. Helicopters must avoid hovering near and circling any eagle nest.
  - c. Report to USF&WS office and the BLM eagle nests found that are not indicated on maps provided.
6. Do not hover, circle, or harass wildlife in any way. This refers particularly to mountain goats, wolves, bears, eagles, sea lions, and other marine mammals, but includes all wildlife species.

**Attachment 1**

7. All operations will be requested to report observations, numbers, classification, and behavior by date, time, observer (pilot), location (map) of mountain goats, brown and black bear, moose, wolf, black tail deer, and wolverines, to the BLM within 30 days after activities are complete. It is understood that can only be done secondary to safety during the flight and the purpose of the tour. BLM will provide training and data sheets if requested.
8. BLM will continue a monitoring plan with the ADF&G to monitor wildlife, particularly mountain goats for habitat use area fidelity, population productivity, stability of numbers and habitat occupancy, distribution in and adjacent to the affected areas. Appropriate changes in operations will be coordinated with operators and may include a wide range of options, i.e., rotational use of landing sites as necessary to achieve occupation of available habitat goals.
9. BLM will monitor and track complaints by user groups, follow up for validity, frequency, and determination of significance; where warranted, make appropriate adjustments in flight route criteria or landing site management in consultation with user groups and operators.

## **Attachment 2**

### **Stipulations Adopted From Mitigation Measures AK-040-02-EA-022**

1. All flights shall operate within designated flight corridors and elevation restrictions. A 1,500 foot minimum elevation is required above the river bottoms for bald eagle courtship and nesting territory and a one mile minimum distance where terrain allows for helicopter flight corridors that pass over mountain goat habitats.
2. If goats are observed on rock islands, landing areas must be located a minimum of one mile from the observed goat activity. Flight paths should be altered to avoid flying over habitats with observed goat activity.
3. The attached map depicts flight route and landing site information important for the protection of goats in their late spring and summer habitats. Flight routes have been selected to provide minimal impacts to all wildlife and potential recreation users.
4. In the event that over two consecutive years, local kid to adult ratios are lower than ten (10) or adults experience a two consecutive year drop of 20% or more, initiation of adaptive management actions may be initiated. Adaptive actions may include but are not restricted to seasonal restrictions of activity in localized landing or flight path areas, rotating use to landings or flight paths to other alternate areas already authorized, area closures, or opening new adjacent areas, not to include the Monitoring Control Area.

### **Attachment 3**

#### **Standard Stipulations for all Special Recreation Permits**

1. A SRP represents a nonexclusive privilege authorizing special uses of public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The Authorized Officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or for noncompliance with permit stipulations. In the event that the lands are transferred to another Federal or State agency or a Native corporation, the permit will expire.
2. All aircraft utilized must have property and liability insurance. It is the Permittee's responsibility to verify that the aircraft and pilot are insured.
3. Adequate insurance must be obtained by the Permittee and kept current in order to protect the user, the Permittee, and the U.S. Government against liability and litigation. The minimum general liability limits are: \$300,000 or \$500,000 annual aggregate for bodily injury (state limits for guides HB-112), \$10,000 property damage per occurrence and \$25,000 annual aggregate, if the policy specifies aggregate limits. The policy shall list the U.S. Government as an additionally insured. The insurance must be for the company name authorized under the permit.
4. Unless specifically authorized, a SRP does not authorize the Permittee to permanently erect, construct, or place any building, structure, or other fixture on the public lands. Any use of the public lands is subject to the condition that upon leaving, the lands must be restored as nearly as possible to preexisting conditions.
5. The Permittee must assume the responsibility for inspecting the permitted area for any existing or new hazardous conditions, i.e. landing areas, rocks, changing weather conditions, dangerous wildlife, or other hazards that present risks. The Permittee must promptly inform BLM of any potential hazardous waste sites.
6. The Permittee shall comply with all federal, state, and local laws.
7. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. No property or preference right is conveyed by this permit. The use of the permit as collateral is not recognized by the BLM.
8. Unless expressly stated, this SRP does not create an exclusive right of use of an area by the Permittee. The Permittee shall not interfere with other valid uses of the Federal land by other users.

**Attachment 3**

9. The Permittee may not assign, sublease, or contract any portion of the permit activities without prior authorization from BLM.
10. The Permittee must present or display a copy of the special recreation permit to a participant, Authorized Officer's representative, or law enforcement personnel upon request. Any of the records or other documents related to the permit, the Permittee or the Permittee's operator, employee, or agent may be examined up to three years after expiration of the permit.
11. All human solid waste and unburnable garbage must be back hauled from the landing site and deposited in an approved waste disposal site.
12. The Permittee is subject to the stipulations and conditions checked on the back of the recreation permit.
13. The Permittee must keep a record and report all daily flight routes and landing locations.



## **Attachment 4**

### **Operating Conditions for Permit Holder**

It is recognized that exceptions may be made for all aircraft safety. Aircraft and passenger safety will take precedent over these mitigation measures.

1. All authorized operations will assure that operators meet FAA requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
2. All authorized operators will be required to submit and abide by a Safety and Operating Plan which will be approved by the BLM and will be a part of the Special Recreation Use Permit. The FAA may review these submissions.
3. All flights shall operate within designated flight corridors and elevation restrictions. A 1,500 foot minimum elevation is required above the river bottoms for bald eagle courtship and nesting territory, brown and black bears, wolves, moose, sea lions, and other marine mammals and a one mile minimum distance where terrain allows for helicopter flight corridors that pass over mountain goat habitats. Attempts will be made to maximize distance between ground and habitats or animals wherever possible. Flight routes over near level terrain will maintain a minimum of 1,500 feet above ground level and at least 1,500 feet horizontal distance from wildlife habitat features described above. Pilots are not expected to compromise safety when weather conditions indicate the 1,500 foot minimum cannot be met.
4. If goats are observed on rock islands, landing areas must be located a minimum of one mile from the observed goat activity. Flight paths will be altered to avoid flying over habitats with observed goat activity.
5. The attached map depicts flight route and landing site information important for the protection of local residents, recreationists and all wildlife, especially goats in their late spring and summer habitats. Flights routes will be utilized for all available tours (including pilots choice tours) conducted on BLM lands.
6. All authorized operations will adhere to U.S. Fish and Wildlife Service (USF&WS) recommendations regarding eagle nests. Operators will be furnished with maps which show locations to be avoided during the nesting season.
  - a. Maintain established travel routes, but avoid any eagle nest by at least 3 mile (1,320 feet).
  - b. Helicopters must avoid hovering near and circling any eagle nest.
  - c. Report to USF&WS office and the BLM eagle nests found that are not indicated on maps provided.

**Attachment 4**

7. Do not hover, circle, or harass wildlife in any way. This refers particularly to mountain goats, wolves, bears, eagles, sea lions, and other marine mammals, but includes all wildlife species.
8. All operations will be requested to report observations, numbers, classification, and behavior by date, time, observer (pilot), location (map) of mountain goats, brown and black bear, moose, wolf, black tail deer, and wolverines, to the BLM within 30 days after activities are complete. It is understood that can only be done secondary to safety during the flight and the purpose of the tour. BLM will provide training and data sheets if requested.
9. BLM will continue a monitoring plan with the ADF&G to monitor wildlife, particularly mountain goats for habitat use area fidelity, population productivity, stability of numbers and habitat occupancy, distribution in and adjacent to the affected areas. In the event that over two consecutive years, local kid to adult ratios are lower than ten (10) or adults experience a two consecutive year drop of 20% or more, initiation of adaptive management actions will be initiated. Adaptive actions may include but are not restricted to seasonal restrictions of activity in localized landing or flight path areas, rotating use to landings or flight paths to other alternate areas already authorized, area closures, or opening new adjacent areas, not to include the Monitoring Control Area. Appropriate changes in operations will be coordinated with operators and may include a wide range of options, i.e., rotational use of landing sites as necessary to maintain or restore occupation of available habitat and for recovery of local populations.
10. BLM will monitor and track complaints by user groups, follow up for validity, frequency, and determination of significance; where warranted, make appropriate adjustments in flight route criteria or landing site management in consultation with user groups and operators.